

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

BIOSIG INSTRUMENTS, INC.,

Plaintiff,

v.

THE NAUTILUS GROUP, INC.,

Defendant.

Case No. 04 CIV. 6654 (AKH)

**BIOSIG'S NOTICE OF *DAUBERT* MOTION AND *DAUBERT* MOTION TO STRIKE
THE EXPERT REPORT AND TESTIMONY OF JOSEPH F. DYRO, PH. D.**

Laurence R. Hefter
Gerson S. Panitch
FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, LLP
901 New York Avenue, NW
Washington, DC 20001-4413
Tel: (202) 408.4000

Humayun Siddiqi
Law Offices of Zafar Siddiqi
11 Broadway, Suite 853
New York, NY 10004
Tel. (212) 514-5900

Attorneys for Biosig Instruments, Inc

To Defendant And Its Attorneys Of Record:

PLEASE TAKE NOTICE that, pursuant to Rules 104 and 702 of the Fed. R. Evid., Plaintiff , Biosig Instruments, Inc. (“Biosig”) hereby moves the Court to strike the Expert Report And testimony Of Joseph F. Dyro, Ph. D.

This motion is based on the accompanying memorandum of law; the declaration of Humayun Siddiqi and the exhibits attached thereto; and all matters on which the Court may take judicial notice.

Respectfully submitted,

Dated: September 22, 2008

/Gerson S. Panitch/
Laurence R. Hefter
Gerson S. Panitch
FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, LLP
901 New York Avenue, NW
Washington, DC 20001-4413
Tel: (202) 408.4000

Humayun Siddiqi
Law Offices of Zafar Siddiqi
11 Broadway, Suite 853
New York, NY 10004
Tel. (212) 514-5900

Attorneys for Biosig Instruments, Inc